

**3. 2006SP-112G-12**  
Concord Place (Amendment #1)  
Map 181-00, Parcel 282  
Subarea 12 (2004)  
Council District 31 - Parker Toler

A request to amend the Concord Place Specific Plan located at Pettus Road (unnumbered), at the end of Autumn Crossing Way (28.89 acres), zoned SP-MR, to modify conditions in Council Bill 2006-1286 related to the use of brick on front, side, and rear elevations of residential dwelling units, requested by Centex Homes, applicant, for BDP Development Company LLC, owner.

**STAFF RECOMMENDATION: Approve.**

**APPLICANT REQUEST** A request to amend the Concord Place Specific Plan located at Pettus road (unnumbered), at the end of Autumn Crossing Way (28.89 acres), zoned Specific Plan-Mixed Residential (SP-MR), to modify conditions in Council Bill 2006-1286 related to the use of brick on front, side, and rear elevations of residential dwelling units.

**History** On December 14, 2006, the Metro Planning Commission recommended approval of a change in zoning from AR2A to Specific Plan for the Concord Place SP. The approved SP plan consists of 69 single-family lots 64 multi-family units.

On January 17, 2007, Metro Council approved the Concord Place SP (BL2006-1286) and included the following additional conditions of approval in Section 3 of the ordinance:

- 6) Brick shall be used on 100% of the front façade of the buildings, excluding non-structural architectural features such as dormers, porch gables.
- 7) Building walls at all side elevations shall be brick on the first floor.
- 8) Homes built on transition lots, as identified on the site plan, shall have 100% brick fronts excluding non-structural architectural features such as dormers, porch gables, etc. Building walls at all side elevations that are greater than one story shall have brick to the top of the second floor excluding gables.

**Amendment** - An ordinance to amend the Concord Place SP (BL2007-110) has now been introduced at Council. The amendment proposed to replace paragraphs 6, 7, and 8 of Section 3 of Ordinance No. BL2006-1286 with the following language:

- 6) “Brick, stone, or cultured stone shall be used on 100% of the front façade of the buildings, excluding non-structural, architectural features such as dormers, porch gables, etc.
- 7) Building walls at side elevations of single-family detached homes shall be brick, stone or cultured stone on the first floor. This requirement shall not apply to any structures other than single-family detached.
- 8) Single-family homes built on transition lots, as identified on the site plan, shall have 100% brick, stone, or cultured stone on the front façade of the building, excluding non-structural architectural features such as dormers, porch gables, etc. Building walls at all side elevations that are greater than one story shall have brick, stone or cultured stone in the top of the second floor, excluding gables. There is no requirement for brick, stone or cultured stone on the rear.”

The existing conditions requires brick to be used on the front facade of buildings and requires brick on the first floor of all side elevations including townhomes. The amendment to the existing conditions will allow for the use of brick, stone or cultured stone to be used on the front façade of buildings and requires brick, stone or cultured stone to be used on the first floor of side elevations of only the single-family homes. Single-family homes built on transition lots, as identified on the site plan, will be required to have brick, stone or cultured stone on all side elevations.

**New Section 5** The applicant has also included a request application to amend the pending ordinance,

BL2007-110 to add the following new section:

The appropriate representatives of the Planning Department and the appropriate representatives of the Codes Department are authorized and directed to approve all required Metro permits consistent with the terms of this amended ordinance.

Staff recommends that this section not be added to the Ordinance No. BL2007-110. It is unnecessary and possibly confusing because the Zoning Code already authorizes the Planning and Codes Department staff to approve any permit that is consistent with the terms of an adopted SP.

**STAFF RECOMMENDATION** Staff recommends approval of the request to amend conditions 6, 7, and 8 of the Concord Place SP.

Mr. Sexton presented and stated that staff is recommending approval.

Mr. Tom White, 36 Old Club Court, spoke in favor of the amendment.

Mr. Joe Calvert, 7325 Autumn Crossing Way, spoke in opposition to the amendment.

Councilmember Toler clarified the issue mentioned by the constituent regarding community notices for this amendment. He then reiterated that this request would be acknowledging and insuring the requests made by the neighbors affected by this proposal at the original community meetings.

Mr. Patrick Webb, 7313 Autumn Crossing Way, spoke in opposition to the amendment.

Ms. Nielson requested additional clarification on Section 5; as it mentioned in the staff report.

Mr. Bernhardt offered that Section 5 would address the issuance of permits for the project, prior to finalization of the ordinance.

Ms. Jones offered that the variety of materials on a project may prove to be more aesthetically pleasing for the neighborhood, however, she expressed concern that if the error was made administratively, the costs incurred by the applicant may be too steep.

Mr. Gotto questioned whether it was necessary for the applicant to re-file his application and incur the additional costs if the error was in fact, an administrative error.

Councilmember Toler explained the issue regarding the error included in the bill in relation to the building materials to be used for the single and multi-family structures.

Mr. Gotto questioned whether the Commission had the authority to deny the request based on the facts presented and send it back to staff with the understanding that the error was an administrative error and that the applicant should be refunded his application fees.

Mr. Morrissey explained that the Commission does not have the authority to waive the fee for the applicant.

Mr. Gotto then requested additional information on Council procedures in relation to Planning Commission requests and applications.

Mr. Bernhardt offered additional clarification on the requested amendment and how it relates to Council and Commission actions.

Mr. Gotto moved and Mr. Dalton seconded the motion, which passed unanimously, to approve Specific Plan 2006SP-112G-12. **(8-0)**

**Resolution No. BL2008-16**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-112G-12 is **APPROVED.**  
(8-0)**

**The proposed amendment to the Council approved conditions to the SP is consistent with the original intent of the SP, and only changes allowed are exterior materials, and does not impact the layout or density.”**